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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 **IN RE GOOGLE PLAY STORE**  
6 **ANTITRUST LITIGATION**

7 THIS DOCUMENT RELATES TO:

8 *Match Group, LLC. et al. v. Google LLC et al.*,  
9 Case No. 3:22-cv-02746-JD  
10

Case No. 3:21-md-02981-JD

**DEFENDANTS' ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER  
ANOTHER PARTY'S MATERIAL  
SHOULD BE SEALED RELATING TO  
DEFENDANTS' ANSWER, DEFENSES,  
AND COUNTERCLAIMS TO MATCH  
GROUP'S COMPLAINT**

Judge James Donato  
11  
12

13 Pursuant to Civil Local Rules 7-11 and 79-5(c-f), Defendants Google LLC, Google  
14 Ireland Limited, Google Commerce Ltd., Google Asia Pacific Pte. Ltd., and Google Payment  
15 Corp. (collectively, "Google") respectfully submit this Administrative Motion to Consider  
16 Whether Another Party's Material Should Be Sealed Relating to Google's Answer, Defenses, and  
17 Counterclaims to Match Group's ("Match") Complaint ("Motion to Seal"). The excerpts at issue  
18 in this Motion to Seal are sourced from documents that are designated as "NON-PARTY  
19 HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL EYES ONLY" pursuant to the Protective  
20 Order entered by the Court, ECF No. 248. A redacted version of Google's Answer, Defenses, and  
21 Counterclaims to Match's Complaint ("Answer and Counterclaims") has been filed in accordance  
22 with the Local Rules.

23 Subsection (f) of Civil Local Rule 79-5 sets forth procedures that apply when a party  
24 seeks to file information designated as confidential by another party. Under subsection (e), the  
25 "motion must identify each document or portions thereof for which sealing is sought" and "serve  
26 the motion on the Designating Party the same day the motion is filed." Pursuant to subsection  
27 (f)(1), the Designating Party has seven days to "file a statement and/or declaration" to establish  
28

1 why such designated material should be kept under seal pursuant to subsection (c)(1) of Civil  
2 Local Rule 79-5.

3 Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a  
4 party establishes that the documents are privileged, protectable as a trade secret, or otherwise  
5 entitled to protection under the law. A “strong presumption” of access to judicial records applies  
6 to dispositive pleadings, and a party seeking to seal those records must show “compelling  
7 reasons.” *Primus Grp., Inc. v. Inst. for Env’t Health, Inc.*, 395 F. Supp. 3d 1243, 1267 (N.D. Cal.  
8 2019) (citations omitted). Compelling reasons justifying the sealing of court records generally  
9 exist “when such court files might have become a vehicle for improper purposes, such as the use  
10 of records to gratify private spite, promote public scandal, circulate libelous statements, or release  
11 trade secrets.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)  
12 (internal quotation marks omitted). However, “[t]he mere fact that the production of records may  
13 lead to a litigant’s embarrassment, incrimination, or exposure to further litigation will not,  
14 without more, compel the court to seal its records.” *Id.*

15 Google identifies the following portions of its Answer and Counterclaims to the Match  
16 Complaint as containing information designated as confidential by another party:

17 Portion Containing Designated Information	18 Designating Party
19 Introduction to Answer	Match
20 Counterclaim ¶ 31	Match
21 Counterclaim ¶ 33	Match
22 Counterclaim ¶ 34	Match
23 Counterclaim ¶ 38	Match

24 Google takes no position on whether the materials identified in this table are privileged,  
25 protectable as a trade secret, or otherwise entitled to protection under the law.  
26

1 Respectfully submitted,

2  
3 Dated: July 11, 2022

By: /s/ Brian Rocca

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**ECF ATTESTATION**

I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories hereto.

Dated: July 11, 2022

By: /s/ Brian Rocca  
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